

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

R. CATHY REARDON, on behalf of)
herself and all similarly situated)
individuals,)
Plaintiffs,) 2:08-cv-01730
v.) Judge Mark R. Hornak
CLOSETMAID CORPORATION,)
Defendant.)

ORDER

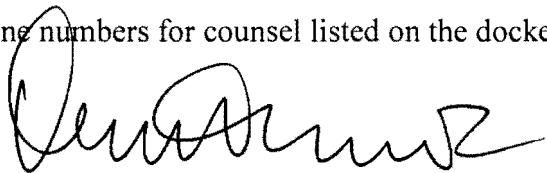
AND NOW, this 2nd day of December, 2013, upon consideration of the parties' Motions for Summary Judgment (ECF Nos. 90, 94), Defendant's Motion to Decertify the Pre-Adverse Action Sub-Class (ECF No. 98), and Plaintiffs' Motion to Strike Declarations (ECF No. 108), it is hereby ORDERED that:

1. Plaintiffs' Motion for Summary Judgment (ECF No. 90) is granted as to liability and willfulness as to the members of the Disclosure Class who received only the Authorization Form as part of their employment application, and is denied in all other respects;
2. Defendants' Motion for Summary Judgment (ECF No. 94) is granted as to the 22 members of the Pre-Adverse Action Sub-Class who did not experience any adverse employment action, and as to the 3 Sub-Class members whom Defendant provided with pre-adverse action notices 8 business days prior to Defendant's adverse action against them, and is denied in all other respects;
3. Defendant's Motion to Decertify the Pre-Adverse Action Sub-Class (ECF No. 98) is denied without prejudice;

4. Plaintiffs' Motion to Strike Declarations (ECF No. 108) is denied without prejudice.

It is further ORDERED that on or before December 16, 2013, the parties shall make best efforts to agree upon the list of remaining members of the Disclosure Class and Pre-Adverse Action Sub-Class and shall jointly submit the list to the Court, along with a substitute Class Representative as to the Disclosure Class.

A telephone status conference is set for Friday, December 6, 2013 at 10:00 a.m. The Court will initiate the call using the telephone numbers for counsel listed on the docket.



Mark R. Hornak
United States District Judge

cc: All counsel of record